



House of Representatives

General Assembly

File No. 277

January Session, 2001

Substitute House Bill No. 6126

House of Representatives, April 12, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING MODIFICATION OF CERTAIN DIVORCE AGREEMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-66 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) In any case under this chapter where the parties have submitted
4 to the court an agreement concerning the custody, care, education,
5 visitation, maintenance or support of any of their children or
6 concerning alimony or the disposition of property, the court shall
7 inquire into the financial resources and actual needs of the spouses and
8 their respective fitness to have physical custody of or rights of
9 visitation with any minor child, in order to determine whether the
10 agreement of the spouses is fair and equitable under all the
11 circumstances. If the court finds the agreement fair and equitable, it
12 shall become part of the court file, and if the agreement is in writing, it
13 shall be incorporated by reference into the order or decree of the court.

14 If the court finds the agreement is not fair and equitable, it shall make
15 such orders as to finances and custody as the circumstances require. If
16 the agreement is in writing and provides for the care, education,
17 maintenance or support of a child beyond the age of eighteen, it may
18 also be incorporated or otherwise made a part of any such order and
19 shall be enforceable to the same extent as any other provision of such
20 order or decree, notwithstanding the provisions of section 1-1d.

21 (b) Agreements providing for the care, education, maintenance or
22 support of a child beyond the age of eighteen entered into on or after
23 July 1, 2001, shall be modifiable to the same extent as any other
24 provision of any order or decree in accordance with section 46b-86.

25 Sec. 2. This act shall take effect July 1, 2001.

JUD **JOINT FAVORABLE SUBST.**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal

Affected Agencies: Judicial Department

Municipal Impact: None

Explanation**State Impact:**

Passage of the bill would result in minimal increased workload to the extent that individuals seek the assistance of the court in modifying the agreements as described in the bill. The court could not modify such agreements in the past. It is anticipated that this workload would be handled within the department's normal budgetary resources.

OLR Bill Analysis

sHB 6126

AN ACT CONCERNING MODIFICATION OF CERTAIN DIVORCE AGREEMENTS.

SUMMARY:

This bill permits the Superior Court to modify, rather than only enforce, divorcing parties' written agreements for the care, education, maintenance, or support of children beyond their 18th birthdays. This is often referred to as "post-majority support."

It applies to agreements made on and after July 1, 2001 that have been incorporated or made part of a divorce decree. The bill specifies that existing criteria and procedures governing modifications apply, including the requirement that the party seeking the modification show a substantial change in circumstances.

As under current law, divorcing parties may establish through written agreements, stipulations, or court decisions items or circumstances that were considered at the time of divorce which cannot later be changed through modification.

EFFECTIVE DATE: July 1, 2001

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 33 Nay 7